



State of New Jersey

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August 30, 2018

VIA CERTIFIED MAIL AND ELECTRONIC MAIL

Daniel L. Schmutter, Esq.
Hartman & Winnicki, P.C.
74 Passaic Street
Ridgewood, New Jersey 07450
dschmutter@hartmanwinnicki.com

Re: Grewal v. Defense Distributed, et al.

Dear Mr. Schmutter:

As you are aware, this office represents Gurbir S. Grewal, Attorney General for the State of New Jersey in the above-referenced matter. It has come to our attention that Defense Distributed and Cody R. Wilson (collectively "Defendants") are no longer blocking individuals using New Jersey IP addresses from being able to access <https://defdist.org>, <https://defcad.com>, and <https://ghostgunner.net> (together, "Defendants' websites"). Thus, Defendants are violating Judge Koprowski's Order to Show Cause with Temporary Restraints Pursuant to Rule 4:52 ("Order") entered July 31, 2018. Among other things, and as Defendants agreed, the Order provided that Defendants "will block access to New Jersey IP addresses and mobile devices." That Order remains in full force and effect notwithstanding the removal of this matter to the United States District Court for the District of New Jersey. However, Defendants' websites were accessed by New Jersey Division of Consumer Affairs investigators on August 27, 2018 and August 28, 2018 using New Jersey-based IP addresses on desktop and mobile devices. This is a violation of the Order.

Notably, at the hearing in this matter on July 31, 2018,



Defendants specifically indicated that they would block access to the websites from New Jersey IP addresses. For example, Defendants stated:

After [Defendants] received the cease and desist order from the Attorney General, [Defendants] voluntarily instituted a block on all New Jersey IP addresses. Subsequent to that [Defendants] instituted a block on all mobile devices because [Defendants] found that people accessing the website on their cell phones were actually able to get around it . . . So [Defendants] blocked all mobile access to sites [Defendants] are taking every proactive measure voluntarily to prevent these files to come into the hands of New Jersey downloaders.

(July 31, 2018 Transcript of Oral Argument re Order to Show Cause with Temporary Restraints Pursuant to Rule 4:52 at 18:10-25.)

The Court thus found that Defendants "indicated that the status quo is that . . . there is no access right now, but there will be no access to New Jersey residents with a New Jersey IP address and with a mobile device starting [August 1, 2018]... and access will be denied to the extent that it can be denied to the New Jersey residents . . . and to those people with mobile devices." (Tr. at 46:13-18; 47:8-10.)

Accordingly, the Court ordered "that [Defendants] will bar New Jersey citizens [] from accessing the site by way of either [] their IP's or [] their other devices." (Tr. at 56:13-16.) Defendants have failed to abide by their own representations to the Court, and are in clear violation of the Order. We demand that they immediately take steps to comply with the Order, including by restricting access through New Jersey IP addresses to Defendants' websites.

We also note that the ability of a New Jersey resident to view Defendants' websites in violation of the Order may also violate the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-2 and the Regulations Governing General Advertising, N.J.A.C. 13:45A-9.1 et seq. because at a minimum the <https://defcad.com> website is now selling or offering for sale to New Jersey residents the CAD files at issue, even if shipping to a New Jersey address is blocked. Please inform this office by the close of business on Tuesday, September 4, 2018 that Defendants have restricted


access to Defendants' websites to all New Jersey IP addresses.

Additionally, this office reached out to you and your co-counsel, Chad Flores, Esq. via e-mail on August 28, 2018 regarding Defendants' distribution of a link to a YouTube video that contained a request that viewers host 3D gun files themselves. We asked that your clients cease and desist from any and all additional efforts to have others host any 3D gun files and that you acknowledge your clients' consent to this request. Though Defendants have since revised that video, it is still available to be viewed and contains a solicitation for funds which in turn will be used, at least in part, to develop a "Contract X" and "Contract Y" consisting of "more defense tech" to be made available to the public. We remind you that the Order also prohibits Defendants from uploading any additional files through Defendants' websites or otherwise. Please acknowledge, by the close of business on Tuesday, September 4, 2018, that Defendants will cease and desist from any efforts to upload any additional files.

We invite any discussion on the above issues and look forward to your response.

Sincerely,

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY

By: Janine N. Matton 
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Assistant Attorney General

c: Matthew A. Goldstein, Esq. (via email only)
Chad Flores, Esq. (via email only)